

Resolution 2011-01

Adopting the Flagstaff Metropolitan Planning Organization Title VI Plan

Whereas, the Flagstaff Metropolitan Planning Organization (FMPO) has been designated by the State of Arizona as the official Metropolitan Planning Organization for the Flagstaff region; and

Whereas, the purpose of Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders is to prohibit programs that receive Federal funds from discriminating against participants on the basis of race, color, national origin, disability, age, gender, or income status; and

Whereas, the intent of the authorities is to ensure that all persons regardless of their race, color, national origin, disability, age, gender, or income status are allowed to participate in Federally funded programs; and

Whereas, the development of a written Non-Discrimination Agreement that expresses the agency's commitment to ensure non-discrimination within any of its activities, programs or projects is a federal requirement; and

Whereas, the FMPO has developed such an agreement and held public comment and review on the same;

Now therefore be it resolved that the Executive Board of the FMPO adopts the FMPO Title VI Plan as presented.

Passed and approved this 13th day of December, 2010,

Scott Overton, Chair
Executive Board
Flagstaff Metropolitan Planning Organization



Flagstaff Metropolitan Planning Organization

City of Flagstaff Coconino County Arizona Department of Transportation
211 W. Aspen Avenue • Flagstaff, Arizona 86001
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FINAL **Title VI & Environmental Justice Plan**

Related to Federally-funded
Transportation Planning and Transportation Improvements

Endorsed and Approved on

December 13, 2010, by the:
FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION
EXECUTIVE BOARD

Endorsed on September 2, 2010, by the:
TECHNICAL ADVISORY COMMITTEE

as prepared by the
Flagstaff Metropolitan Planning Organization
(FMPO)

The designated Metropolitan Planning Organization (MPO)
for the Flagstaff, Arizona, Urbanized Area

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En español:

Para mas informacion, a esta interesado en partcipar en el
planeamiento del proceso de transporte en su comunidad y necesita
asisencia con idioma, por favor comuniquese:
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Flagstaff Metropolitan Planning Organization (FMPO)

Title VI Report

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I. Introduction

Flagstaff Metropolitan Planning Organization (FMPO) receives federal funding to conduct regional transportation planning and fund regional transportation improvements. As result, FMPO is required to operate in a non-discriminatory manner per Title VI of the Civil Rights Act of 1964 and related Environmental Justice requirements. This Title VI Plan describes what the how FMPO will operate in compliance with these federal mandates.

Title VI of the Civil Rights Act of 1964 and Environmental Justice Explained

Section 601 of the Civil Rights Act of 1964 prohibits discrimination “on the basis of race, color, or national origin” in any “program or activity receiving federal financial assistance.” Subsequent legislation has extended the protections under Title VI of the Civil Rights Act to prohibit discrimination based on gender, disability, age and income status. The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, sub recipients and contractors whether those programs and activities are federally funded or not.

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order focused attention on Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." This may include subgroups of elderly and disabled persons.

Statistical Data of Communities

A statistical description of these populations together with maps illustrating their distribution throughout the FMPO region may be found in Appendix A.

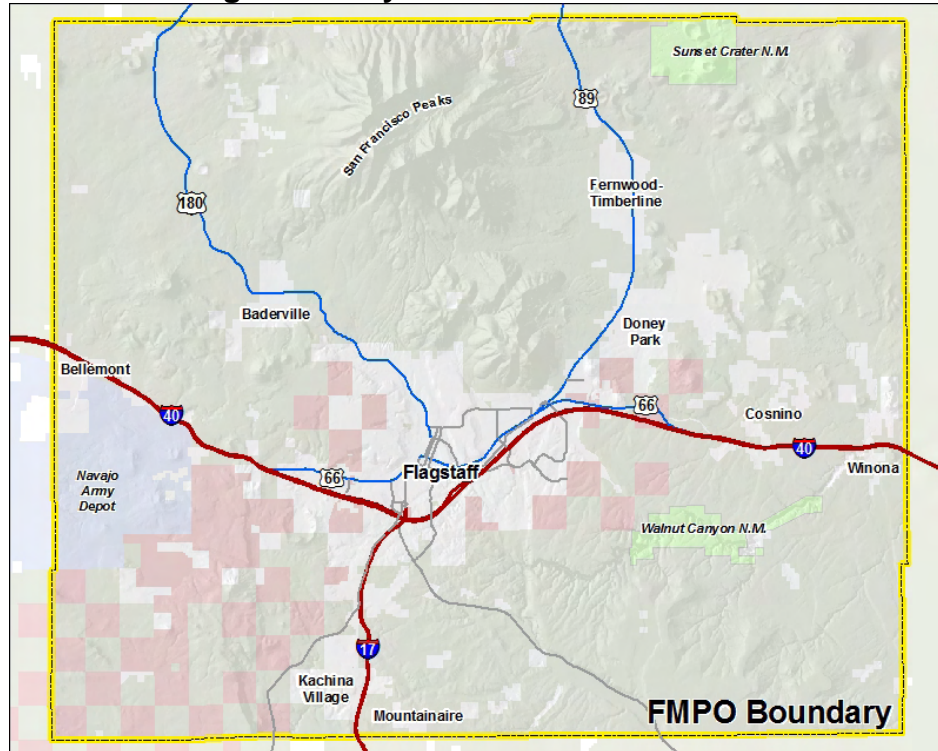
II. FMPO Organizational & Program Administration

General Organization

FMPO was established in 1996 with responsibility for transportation planning within the regional area generally described as the City of Flagstaff and the unincorporated communities of Bellemont, Winona, Doney Park, Kachina and Mountaineer and the state highway system within its boundaries. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of

50,000 or more. The City of Flagstaff is the fiscal and administrative agent for FMPO. The region covered by FMPO is over 525 square miles and is shown on the following map.

FMPO Planning Boundary



MPO Membership

FMPO is comprised of the City of Flagstaff, Coconino County and the Arizona Department of Transportation. It works in cooperation with the regional transit provider, Northern Arizona Intergovernmental Transportation Authority (NAIPTA) and with Northern Arizona University.

The FMPO Executive Board is the forum for cooperative decision-making on transportation related matters. This six-member board is comprised of principal elected officials from local government and a representative from the Arizona State Transportation Board.

The Executive Board provides policy guidance and direction for the metropolitan transportation planning process.

FMPO Executive Board Representation

- | | |
|----------------------|-----------|
| 1. City of Flagstaff | 3 Members |
|----------------------|-----------|

- | | |
|----------------------------------|-----------|
| 2. Coconino County | 2 Members |
| 3. AZ State Transportation Board | 1 Member |

The Technical Advisory Committee (TAC) is an advisory committee to the Executive Board. The seven-member committee is comprised of the Public Works and Community Development Directors from Coconino County; the City Engineer, Planning Director and Transportation Services Manager from the City of Flagstaff; the District Engineer and Senior Transportation Planner for Arizona Department of Transportation, and the General Manager from the Northern Arizona Intergovernmental Public Transportation Authority. Designees for these positions may attend and vote if appointed per the approved operating procedures.

FMPO Technical Advisory Committee Representation

- | | |
|----------------------|-----------|
| 1. City of Flagstaff | 3 Members |
| 2. ADOT | 2 Members |
| 3. Coconino County | 2 Members |
| 4. NAIPTA | 1 Member |

FMPO Federal Activity

FMPO is primarily funded with federal transportation taxes passed through the Arizona Department of Transportation. As such, FMPO is responsible for assuring non-discrimination per Title VI of the Civil Rights Act of 1964 in it's activities including:

- Establishing an annual work program for regional transportation planning tasks;
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program;
- Allocating state and federal funds for both capital and operating needs;
- Preparing financial analysis and project programming;
- Ensuring compliance with state and federal standards; and
- Providing opportunities for public involvement.

III. FMPO Title VI Goals & Strategies

The FMPO is committed to preventing discrimination and to fostering a just and equitable society and recognizes the key role that transportation services provide to the community. The FMPO establishes the following basic principles to serve as overall objectives in implementing this Title VI program:

- Make transportation decisions that strive to meet the needs of all people.

- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process regardless of race, color, national origin, gender, age, disability, and income status.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of transportation plans and programs on Title VI protected populations.
- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and accompanying rules and orders.

FMPO Title VI Goals

FMPO will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist the underrepresented and underserved, the MPO will adhere to the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), within the transportation planning process. A Public Participation Plan was adopted by the Executive Board on May 28, 2008.

The MPO will hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant; and, arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, FMPO will make due preparation, when appropriate, for persons requiring assistance, such as the hearing or visually impaired, upon request.

FMPO will assist persons with limited English proficiency (LEP) to participate in the transportation planning process. Staff will make every effort to provide Spanish translators and document translation, where feasible, upon request. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the FMPO office and have the requested materials delivered to their residence. FMPO staff, coordinating availability, is willing to go speak to groups in an effort to eliminate participation barriers and involve citizens in the transportation process. See our LEP policy and an analysis of likely encounters in the appendices section of this plan. It is estimated that between 2.5% and 3.8% of region residents speak English “not well” or “not at all.”

FMPO Title VI Strategies

The FMPO is responsible for conducting technical modeling of the transportation system; facilitating the interaction of federal, state, and local agencies dealing with transportation issues; preparation of financial analysis and project programming; and providing opportunities for public involvement.

All persons living, working, conducting business and visiting the region are beneficiaries of the planning, coordination, and construction activities of the MPO. FMPO does not construct projects; albeit, this activity is accorded to member agencies. The safe

movement of goods and people is supported by providing and maintaining a transportation network and facilities.

As a result, the FMPO is involved in three different phases of a program: (1) Public Involvement, (2) Program Development & Planning, and (3) Reporting and Compliance. These three areas, together with General Administration, are applicable to Title VI regulations, and are referred to as the Title VI Program Areas.

GENERAL PROGRAM ADMINISTRATION

The following are general Title VI responsibilities of the FMPO.

Legal/Operational Guidelines

- FMPO Procedures Manual
- City of Flagstaff Employee Handbook as adhered to by FMPO (<http://www.flagstaff.az.gov/index.aspx?NID=1697>)

Elements of FMPO General Program Administration

Data Collection Procedures

Data collection is an important aspect of the FMPO Title VI and environmental justice plan. Collection of demographic information can assist in transportation planning to determine impacts and benefits of potential projects.

Checking for environmental justice requires an examination of the distribution of benefits and burdens over time, space, and across various population groups. Demographic information can assist in identifying communities of concern. In addition, data collection can be used to develop outreach strategies and to monitor the effectiveness of outreach processes. Finally, data collection can be used to assess the demographic characteristics of those involved in the planning and decision-making process, including agency staff and policy and advisory committees.

As an initial step toward better integrating environmental justice into its work program, the FMPO has developed a baseline demographic profile (see Appendix A), which presents key demographic data describing the FMPO and identified population groups and communities to be considered for subsequent environmental justice analyses and activities. These tables and maps will be updated as needed in the annual report.

Contracts and Intergovernmental Agreements

The FMPO facilitates the execution of intergovernmental agreements between MPO partners and the Arizona Department of Transportation in association with distribution of Federal Surface Transportation Program-Urban (STP-U) funds for performance of specific projects or activities. The standard language incorporated into these intergovernmental agreements requires that the partners comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work. This provision would include the nondiscrimination and

environmental justice provisions contained under Title VI of the Civil Rights Act and accompanying rules and orders.

The FMPO will utilize the ADOT Disadvantaged Business Enterprise program through the City of Flagstaff (http://www.azdot.gov/inside_adot/CRO/DBEP.asp). FMPO is committed to working toward DBE contracting goals established by ADOT.

Training Program

The FMPO will have a procedure for providing training for its employees and sub-contractors on Title VI and other Civil Rights statutes, either by developing and implementing its own training, or participating in trainings provided by The City of Flagstaff, ADOT or FHWA.

Public Dissemination

The MPO Manager and City of Flagstaff Grants Manager are responsible for disseminating Title VI program information to MPO employees, subrecipients, and beneficiaries as well as to the general public. Public dissemination will include the posting of materials on the FMPO website.

Annual Reports

The MPO Manager is responsible for monitoring and compiling the accomplishment data for ADOT and FHWA to review. ADOT may request an accomplishment report from the FMPO incorporating all the data collected, FMPO Nondiscrimination Agreement [or Title VI Plan], as well as the MPO work plan and accomplishments.

Strategies for Integrating Title VI Responsibilities into FMPO General Program Administration

Data Collection Procedures

The following procedures are hereby established for data collection:

1. FMPO shall continue to update the summary of staffing composition of those involved in MPO activities and plans. The report shall include job classification, race and gender.
2. FMPO shall establish a reporting mechanism that includes a member composition for its policy and advisory committees, including the Executive Board and Technical Advisory Committee. The report shall include job classification (if applicable), race and gender.
3. FMPO staff shall strive to collect demographic information on public participants. This shall be accomplished by summarizing results from comment/feedback forms which request demographic information from participants at public meetings and workshops and public opinion polls. The submittal of demographic information will be voluntary.
4. FMPO shall continue to maintain a demographic profile of the MPO planning area using the most current and appropriate statistical information available on race, income, and other pertinent data. As new information becomes available, staff shall update the Demographic Profile of the FMPO planning area in order to provide an up-to-date baseline report documenting populations of concern for environmental justice analysis. The decennial census will be the primary basis of data.

5. Staff shall routinely evaluate public participation in order to determine whether the outreach plan has been successful in recruiting participation among Title VI protected populations.
6. FMPO staff will collect data from contractors and vendors relevant to achieving DBE goals.
7. FMPO will collect data on attendance of FMPO staff and relevant host-agency staff at Title VI training opportunities.

PUBLIC PARTICIPATION

FMPO is committed to early and continuing public participation in transportation planning, programming, and implementation. In seeking public comment and review, the FMPO makes a concerted effort to reach all segments of the population, including Title VI protected populations.

Legal/Operational Guidelines

- 23 CFR 450, Section 316 and The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) require that the metropolitan transportation planning process provide for proactive public involvement and provide complete information, timely public notice, full public access to key decisions, and early and continuing involvement of the public in developing plans.
- FMPO Public Participation Plan, which describes how the MPO will let the public know about opportunities to get involved with regional transportation planning

Elements of FMPO Communications & Public Involvement

Web site –FMPO maintains a website, www.flagstaffmpo.org, which is updated regularly. The site includes information on the FMPO responsibilities, programs, key products, meeting calendars, agendas and minutes; contact information for staff; the Title VI Plan, complaint procedures, and complaint form; and a sign up form for e-mail notifications.

Publications – Each year, FMPO issues publications, reports, and maps as part of the agency's work program, and responds to and processes a data requests. The information can be accessed by the public through the Web site.

Press releases – Press releases are routinely sent to approximately several local media outlets – daily and weekly newspapers, TV stations, and radio stations, including the local Spanish language newspaper.

Meetings open to the public – FMPO board and committee meetings are open to the public. Meetings are organized in ways to encourage opportunities for the public to participate. Time for citizen comments is reserved at the start of all meetings. Meeting dates and times are posted well in advance on the agency's Web site, as well as mailed to members of the MPO media list. The meeting location is located in close proximity to transit service, is wheelchair accessible (WCA) and interpretation services can be provided when requested or need is anticipated.

Opportunities for public comment – FMPO provides opportunities for comment on adoption of amendments to transportation plans or programs. Comments are accepted by phone, fax, e-mail, US mail, through brochures with comment forms placed around the region, and in person at any of the meetings. Public comment periods are advertised through e-mail notices, and web and newspaper advertisements.

Staff is accessible – Contact information for all staff is provided on the agency's Web site, on project fact sheets and brochures, as well as on meeting agendas. Staff attends public meetings and is available to answer questions and take comments.

Mailings – FMPO routinely uses e-mail to keep the public informed of the agency's programs, public comment periods, meetings, and publications. FMPO maintains an e-mail list, including many community and faith-based organizations, senior, youth minority, low-income and other groups. FMPO also takes advantage of the City of Flagstaff *Cityscape*, a mailing to 30,000 addresses in the region that goes out 3-4 times per year.

Events – Events such as workshops, open houses, and forums are held regularly, as needed.

Strategies for Engaging Title VI Protected Groups

The FMPO is committed to actively engaging traditionally underrepresented populations, and can use a variety of techniques to design and evaluate public involvement tools, including:

1. FMPO will continue to maintain distribution lists which contain community organizations, leaders, and religious organizations that are engaged in issues affecting Title VI protected populations. Community organizations and their leaders are invaluable in building communication between agencies and underrepresented groups. Community groups also provide access to individuals and can serve as forums for participation. Often, community organizations reflect community-wide concerns and can advise an agency on useful strategies for interaction.
2. FMPO will send news releases to and place advertisements in minority newspapers and news outlets, as needed, as well as in free publications and other media outlets that may be accessed by Title VI protected populations.
3. FMPO will evaluate its meeting times and locations to assure opportunities for a broad audience to attend. This would include, but not be limited to, assuring that the locations of public meetings are close to transit lines, and are accessible to the disabled, as well as held in a variety of times to provide the widest opportunity for involvement.
4. FMPO will annually evaluate the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its public involvement

strategy. As part of this effort, FMPO will make efforts to outreach to different parties and determine whether any revisions are needed to assure better outreach.

5. FMPO will provide key technical information in formats and at places and times conducive to review by populations that may be traditionally underrepresented or underserved by existing transportation systems. This may include provision of information to sight-impaired persons, non-English speakers, or to persons without extensive formal schooling.

Strategies for Engaging Individuals with Limited English Proficiency

The FMPO has evaluated the language proficiency of residents within the MPO boundaries in order to determine whether language operates as an artificial barrier to full and meaningful participation in the transportation planning process. FMPO has used information from the 2000 Census to determine the extent of the need for translation services of its materials. The results of the analysis showed that less than 4% of MPO residents reported that they spoke English either “not well” or “not at all.” The FMPO policy for LEP is contained in the LEP plan in Appendix XXX of this report.

PROGRAM DEVELOPMENT AND PLANNING

The FMPO is involved in developing long- and short-range transportation plans to provide efficient transportation services to the Flagstaff urbanized area. In this role, the FMPO is responsible for preparation of the regional transportation plan. As part of this work, the FMPO performs a number of different planning functions, including:

- Establishing an annual work program for regional transportation planning tasks to be completed.
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program.
- Allocating state and federal funds for both capital and operating needs; and
- Preparing financial analysis and project programming.

The major area of impact by plans and programs is through decisions which identify one or more planned improvements over other options. This consequence may result from procedures and processes that shut a group out of the process, or from the failure to consider the impacts of various transportation system alternatives and programs of projects on one or more-identified groups.

Legal/Operational Guidelines

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450.
- Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU)

Key Planning and Programming Activities

The following describes some of the key planning and programming activities undertaken by the FMPO:

Unified Planning Work Program (annual workplan). The Unified Planning Work Program (UPWP) is the FMPO annual transportation planning work program. The UPWP identifies the planning budget and the scope of planning activities that may be undertaken during the program year. The FMPO develops the UPWP in cooperation with federal, state, and local jurisdictions and transportation providers. This document includes a description of planning tasks and an estimated budget for each task to be undertaken by the agencies participating in the FMPO metropolitan planning process.

The UPWP also serves as a budgeting reference for planning tasks funded by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to meet SAFETEA-LU requirements.

Metropolitan Transportation Improvement Program (short-range). The Metropolitan Transportation Improvement Program (MTIP) is a staged multiyear program of transportation improvements to be implemented during a 4-year period. The MTIP is required by the U.S. Department of Transportation as a prerequisite for federal funding for street, transit, and bike and pedestrian projects. In addition to satisfying federal requirements, the MTIP serves as a comprehensive source for information on all regionally significant transportation related projects planned by local jurisdictions and reflected by the FMPO.

Regional Transportation Plan (long-range). The FMPO is required to develop and regularly update a long range transportation plan for the FMPO region. This plan must:

- Include a financial plan that demonstrates how the adopted plan can be implemented
- Have at least a twenty year planning horizon
- Be updated every five years

Statewide Transportation Improvement Program (STIP). The Statewide Transportation Improvement Program, known as the STIP, is ADOT's five year transportation capital improvement program. It is the document that identifies the funding for, and scheduling of, transportation projects and programs throughout the State. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands. The MTIP is included in the STIP.

Strategies for Addressing Environmental Justice (EJ) in Planning Efforts

The FMPO is committed to ensuring that these programs and plans meet the needs of all people to the maximum extent possible and avoid disproportionately high and adverse human health or environmental effects, including social and economic effects, on Title VI protected populations. Though it is recognized that much of the specific

evaluation for environmental justice issues will occur at the specific project-level planning phase (which is the responsibility of the project proponent) rather than the overall transportation planning phase, the FMPO can use a variety of techniques to identify the risk of discrimination so that positive corrective action can be taken and to serve as a building block in subsequent decision making and analysis. These measures include:

1. The FMPO will document information used in identifying potential environmental justice issues as part of the Regional Transportation Plan effort or similar document. The analysis should include an evaluation and discussion of the following:

- Identification of those areas within the FMPO that contain higher than average concentrations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice (EJ) and Title VI provisions, when compared to FMPO area as a whole. To aid in this effort, the FMPO has prepared a demographic profile of the metropolitan planning area using census data to identify any block group with greater than the regional average of minority or low income households (see Maps at the end of this report).
- Analysis of any disproportionally high and adverse impacts to different socio-economic groups. This can be done by comparing the plan impacts on the minority, low-income, senior, disabled and other populations with respect to the impacts on the overall population within the FMPO. GIS mapping can be used to overlay the locations of the transportation projects upon the EJ neighborhood map so that comparisons could be made between the distributions of projects across the two community types (EJ vs. non-EJ).
- Evaluation of mitigation measures that could be considered to address adverse impacts, including avoidance, minimization, and opportunities to enhance communities and neighborhoods.
- Overview of the public participation process and efforts made to ensure that all groups within the MPO have been involved in the decision-making or project information process through an effective and thorough public participation effort.

2. The FMPO will solicit and consider input from all groups and citizens concerned with, interested in, and/or affected by MPO transportation plans or programs, in particular the needs of those that may traditionally underserved by transportation systems. The Public Participation Section above describes more particularly the steps that will be taken to solicit input.

3. The FMPO shall document in the annual report what changes have occurred as a result of public involvement, specifically involvement of Title VI protected populations.

4. The FMPO will include evaluation criteria that address issues of environmental justice when awarding funds to local agencies for projects to include in the Metropolitan Transportation Improvement Program (MTIP) and Regional Transportation Plan. Potential criteria could include: impact on accessibility and/or travel times to jobs or other activities, transit service provision, the distribution of transportation funding and activities.

5. In support of this effort, the MPO will work to enhance its analytical capabilities to evaluate the long-range transportation plan and the transportation improvement program impact on Title VI protected populations. Projects could include:

- Using modeling capabilities to evaluate accessibility by travel mode for various trip purposes.
- Evaluating the distribution of transportation projects or funds.

6. The FMPO will function in its role as a regional coordinator to work with other agencies, if requested, in addressing environmental justice issues that may occur as part of MPO funded project development activities.

7. CONTRACTS AND SOLICITATIONS - FMPO contracts for some planning activities and obtains consultant support by using a Request for Proposal or Request for Qualifications procedure. The requests are advertised, and a short list of qualified applicants is determined from the proposals submitted. A selection committee is formed, interviews with the short-listed consultants are held, and a consultant is chosen.

The consultants are required to conform to all Title VI provisions and those provisions specifically included in Request for Proposals and in the Contract for Services.

The CONSULTANT shall comply with, at its own expense, the provisions of all local, state and federal laws, regulations, ordinances, requirements, and codes that are applicable to the CONSULTANT as an employer of labor or otherwise. The CONSULTANT shall further comply with all laws, rules, regulations, and licensing requirements pertaining to its professional status and that of its employees, and shall require the same compliance of partners, associates, subcontractors, sub-consultants, and others employed or retained by it rendering any services hereunder.

IV. Assurances & Program Administration

FMPO assures that it will comply with all federal mandates related to non-discrimination and environmental justice associated with the receipt of federal assistance. The respective signed assurances are available in Appendix C. The program will be administered through the offices and procedures laid out in this section.

FMPO Title VI Coordination and Administration

Compliance is ongoing and falls under duties for the MPO Manager. The MPO Manager will be supported by the City of Flagstaff Grants Manager. Specific duties will fall to relevant host agency departments such as Human Resources, Legal, Purchasing and Finance. The City of Flagstaff Grants Manager may be reached at:

City of Flagstaff
Attn: Office of the Grants Manager
211 W. Aspen Avenue
Flagstaff, AZ 86001
928-779-7685 x7662

Complaint Process

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, gender, age and/or disability, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations of its subrecipients such as the FMPO. The FMPO will be responsible for processing, investigating and resolving complaints of discrimination by its member agencies regarding program activities involving the use of federal funds allocated to the FMPO.

The complaint process will follow the ADOT procedures. Complaints must be filed in writing with the ADOT Civil Rights Office, 1135 N 22nd Ave. 2nd Floor Mail Drop 154A, Phoenix, AZ 85009. The telephone number is 602-712-7761. Complaints received by the FMPO will be forwarded to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office.

Refer to the Arizona Department of Transportation for more information on the filing and investigation of discrimination complaints. See Appendix D for respective complaint forms.

Compliance

FMPO will monitor shortcomings in the implementation of the FMPO Title VI and Environmental Justice Plan in two primary ways. First, the annual Title VI report will provide insight into the daily operations and work program elements regarding how well and effectively strategies are being applied. Second, the FMPO will have access to the City of Flagstaff's annual audit results. An annual audit is performed to evaluate compliance with all applicable local, state and federal regulations controlling city expenditures. The FMPO is hosted by the City which acts as the FMPO fiscal agent. Therefore, the audit will review FMPO activities.

Results of these reviews will be considered and corrective action incorporated into the annual report and it's Title VI goals for the forthcoming year.

Appendix A

Statistical Data of Communities

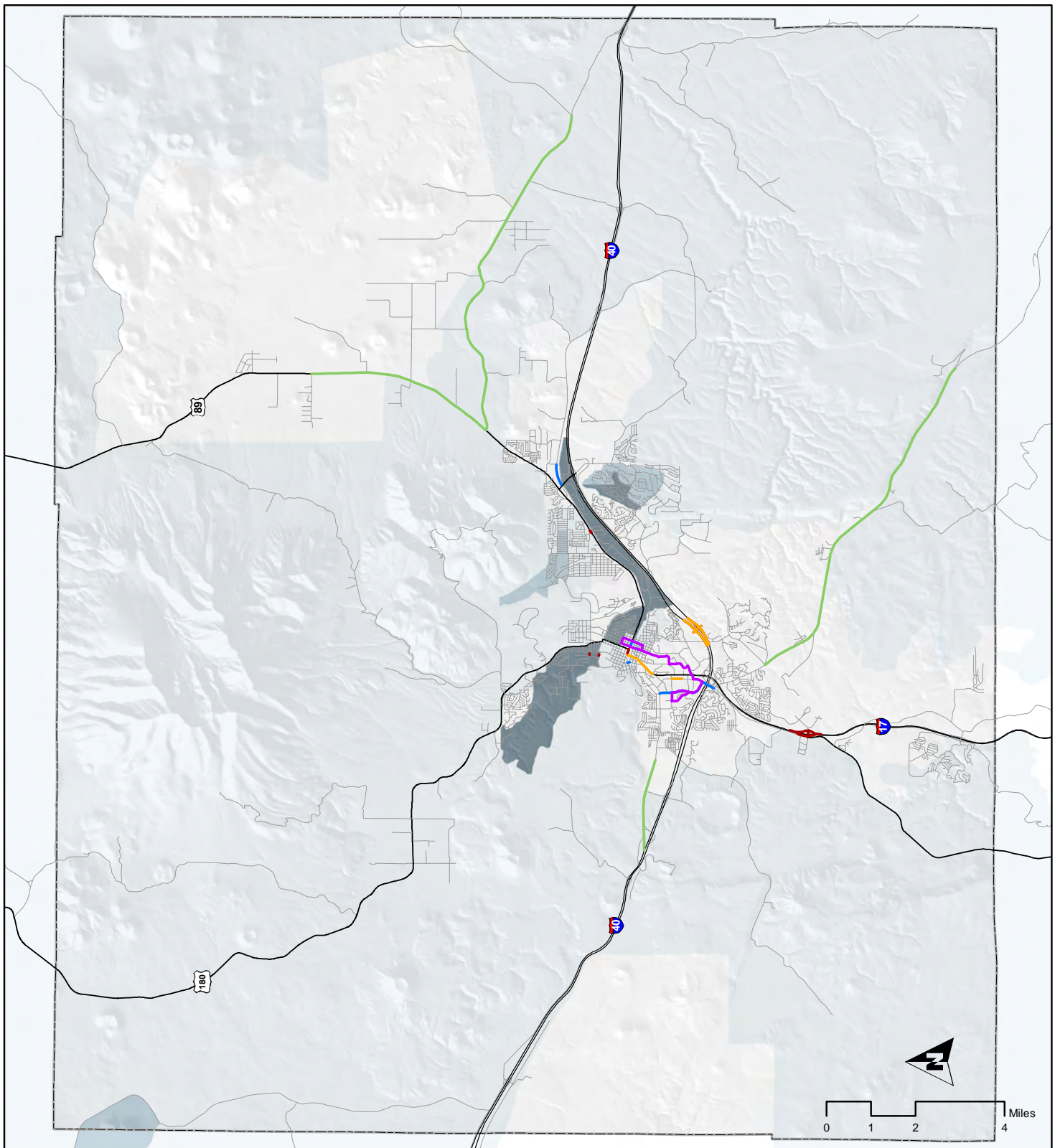
FMPO Regional Environmental Justice Statistics

	Flagstaff		Region ¹		Coconino County		US
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Percent</i>
Total population	52,894		70,266		116,320		
Households	19,306		25,620		40,448		
Aged 65 and over	2,826	5.3	3,733	5.3	8,143	7.0	12.4
Minority	11,680	22.1	14,539	20.7	42,939	36.9	24.8
Hispanic	8,500	16.1	10,076	14.3	12,727	10.9	12.5
Income below the poverty level	8,751	16.5	9,857	14.0	20,609	17.7	12.4
Disability (aged 5 and over)	12,702	25.3	16,198	24.7	30,602	28.4	19.3
Households without access to vehicle	1,249	6.5	1,357	5.3	2,790	6.9	10.3

Source: 2000 Census

¹ "Region" includes all census block groups that comprise the FMPO, an area somewhat larger than the FMPO boundaries

Limited English Proficiency			
	Population 5 Years and older	Speak Only English	Speak English "not well" or "not at all"
Census Year	2000	2000	2000
Flagstaff	49,506	40,948	1,214
Coconino County	107,775	77,374	4,108



Title VI Plan
Flagstaff Metropolitan
Planning Organization

Map 1 Elderly population

August 2010

Percentage of persons aged 65 and over by census block group

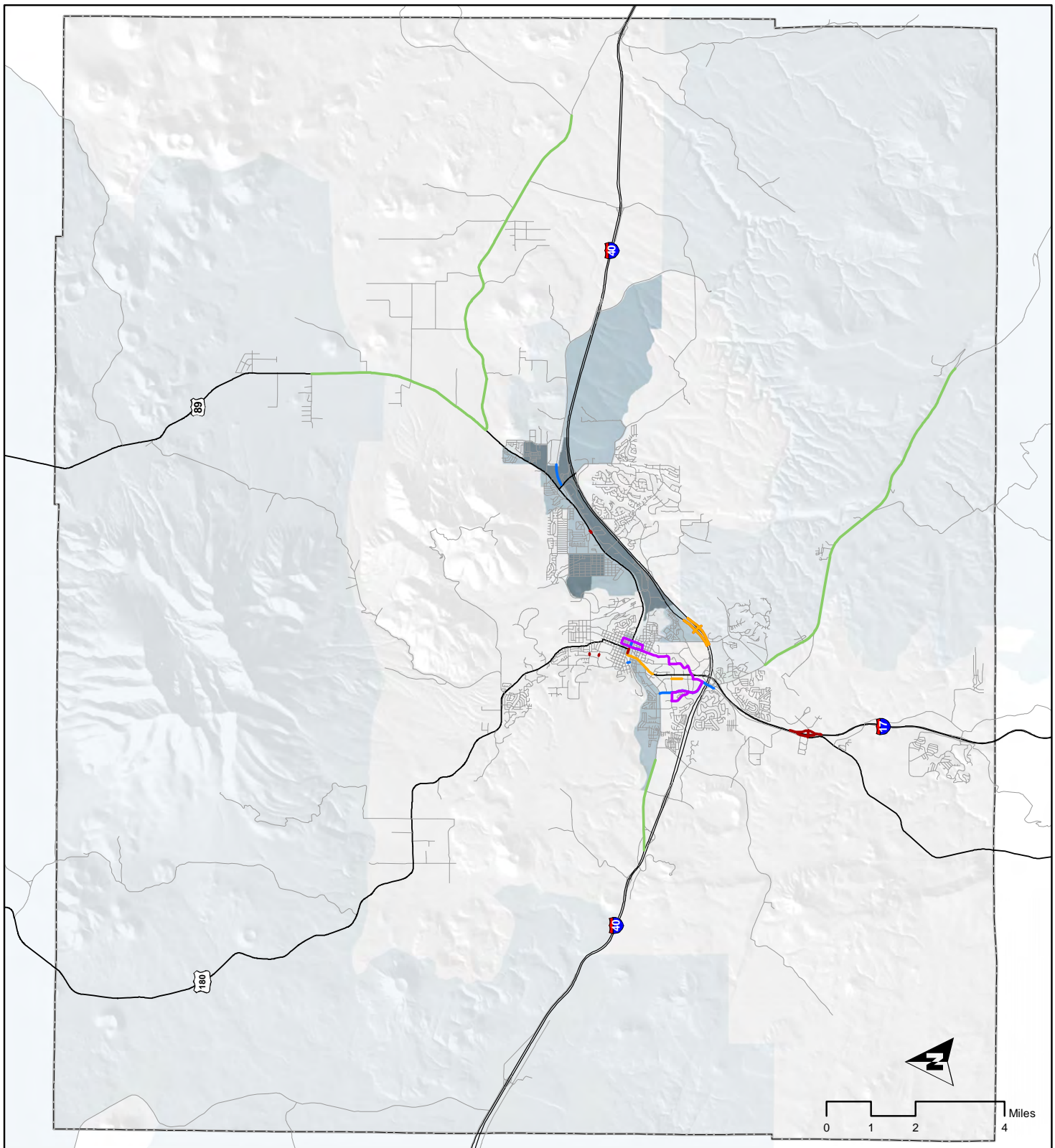
Regional average is 5.3%

- Less than regional average | 0.2 - 5.2%
- Regional average to 1.5 times regional average | 5.3 - 7.9%
- 1.5 to 2.0 times regional average | 8.0 - 10.5%
- More than 2.0 times regional average | 10.6 - 12.4%

Source: 2000 Census

TIP projects

- Construction
- Design
- Enhancement
- Pavement Preservation
- Transit
- FMPO boundary



Title VI Plan
Flagstaff Metropolitan
Planning Organization

Map 2 Minority population

August 2010

Percentage of minority population by census block group

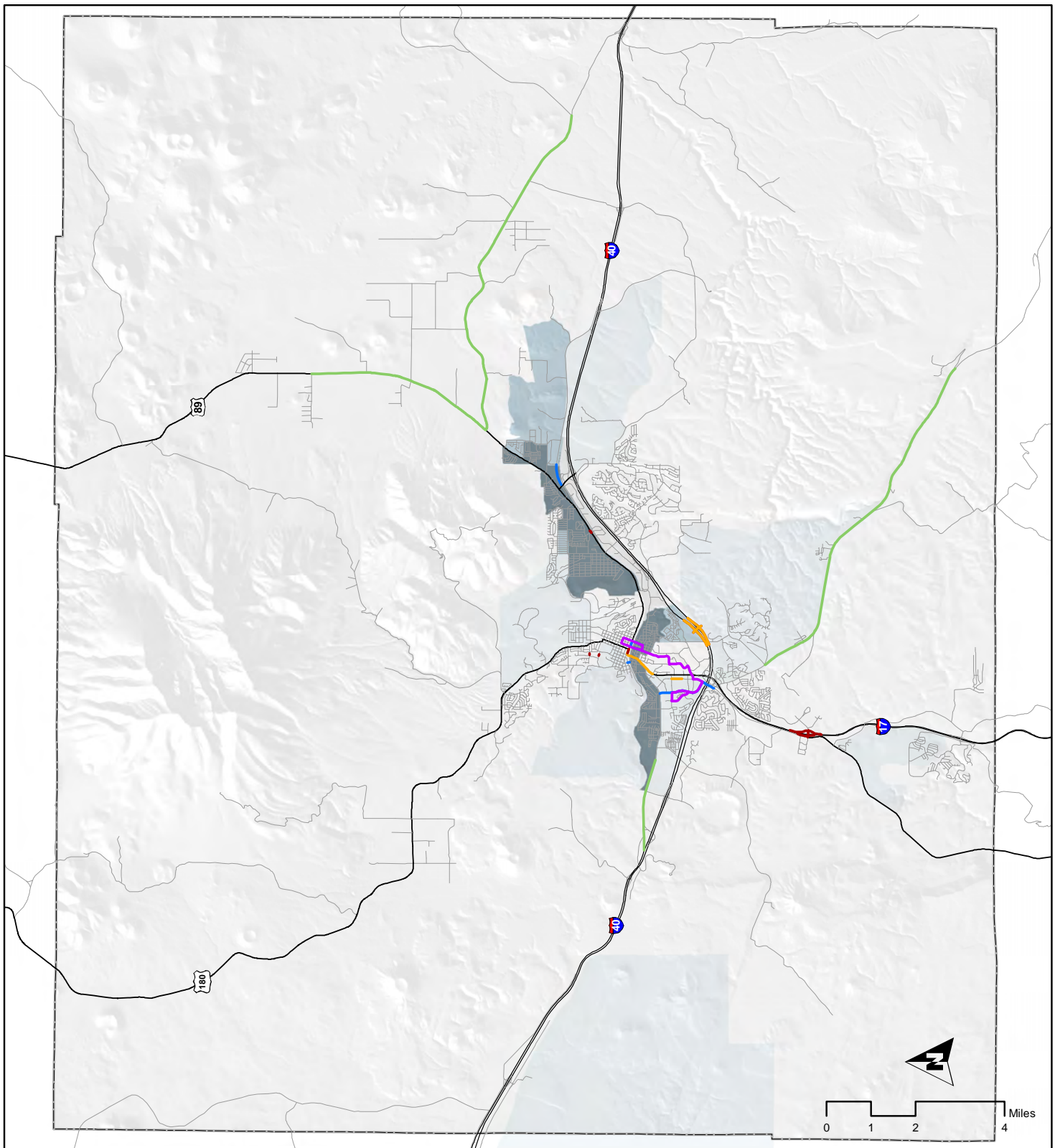
Regional average is 20.7%

- Less than regional average | 4.0 - 20.6%
- Regional average to 1.5 times regional average | 20.7 - 30.9%
- 1.5 to 2.0 times regional average | 31.0 - 41.3%
- More than 2.0 times regional average | 41.4 - 52.4%

Source: 2000 Census

TIP projects

- Construction
- Design
- Enhancement
- Pavement Preservation
- Transit
- FMPO boundary



Title VI Plan
Flagstaff Metropolitan
Planning Organization

Map 3 Hispanic population

August 2010

Percentage of hispanic population by census block group

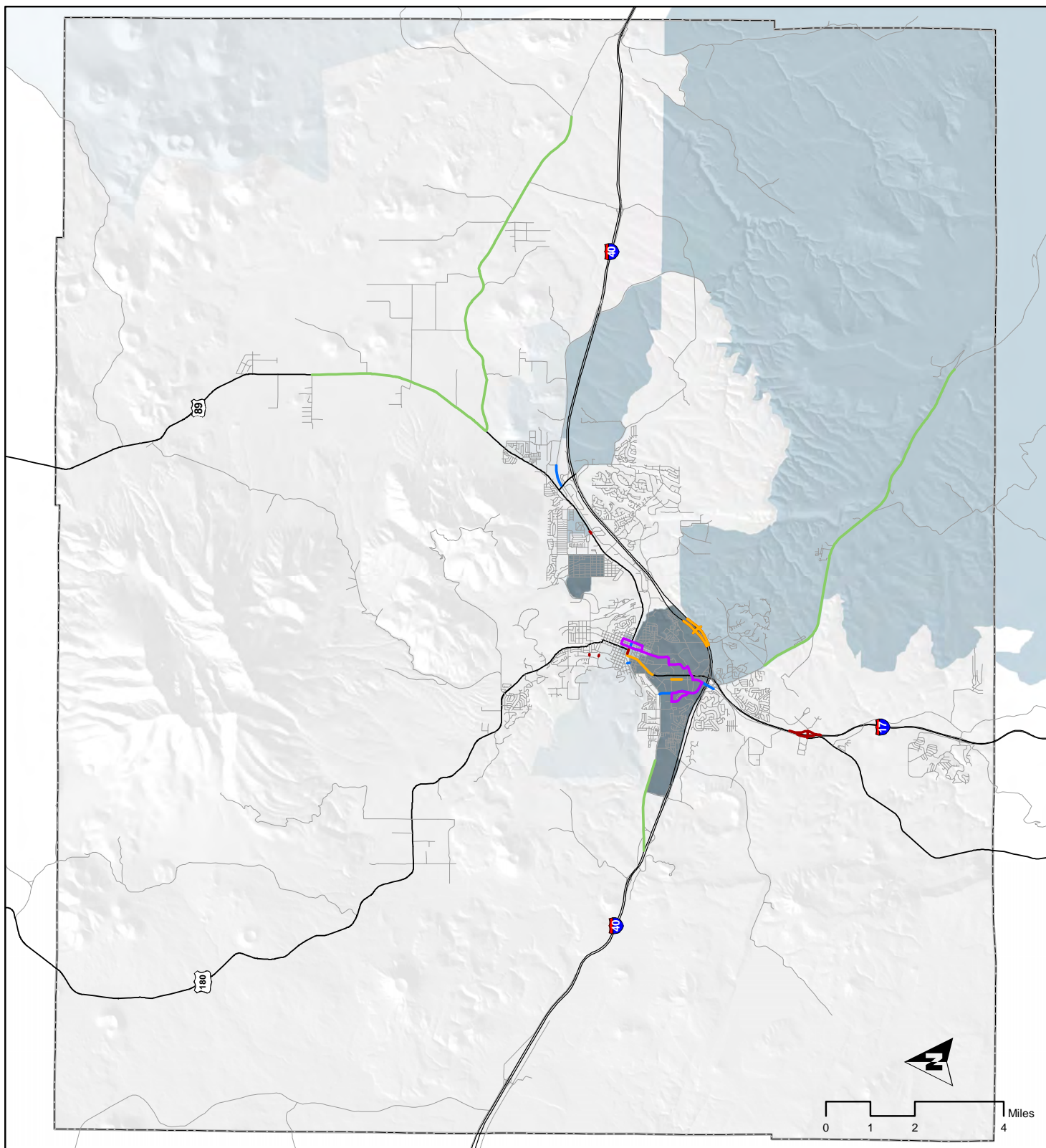
Regional average is 14.3%

- Less than regional average | 1.0 - 14.2%
- Regional average to 1.5 times regional average | 14.3 - 21.4%
- 1.5 to 2.0 times regional average | 21.5 - 28.6%
- More than 2.0 times regional average | 28.7 - 80.3%

Source: 2000 Census

TIP projects

- Construction
- Design
- Enhancement
- Pavement Preservation
- Transit
- FMPO boundary



Title VI Plan
Flagstaff Metropolitan
Planning Organization

Map 4 Persons with income below the poverty level

August 2010

Percentage of population with income below the poverty level by census block group

Regional average is 14.0%

Less than regional average | 0.0 - 13.9%

Regional average to 1.5 times regional average | 14.0 - 20.9%

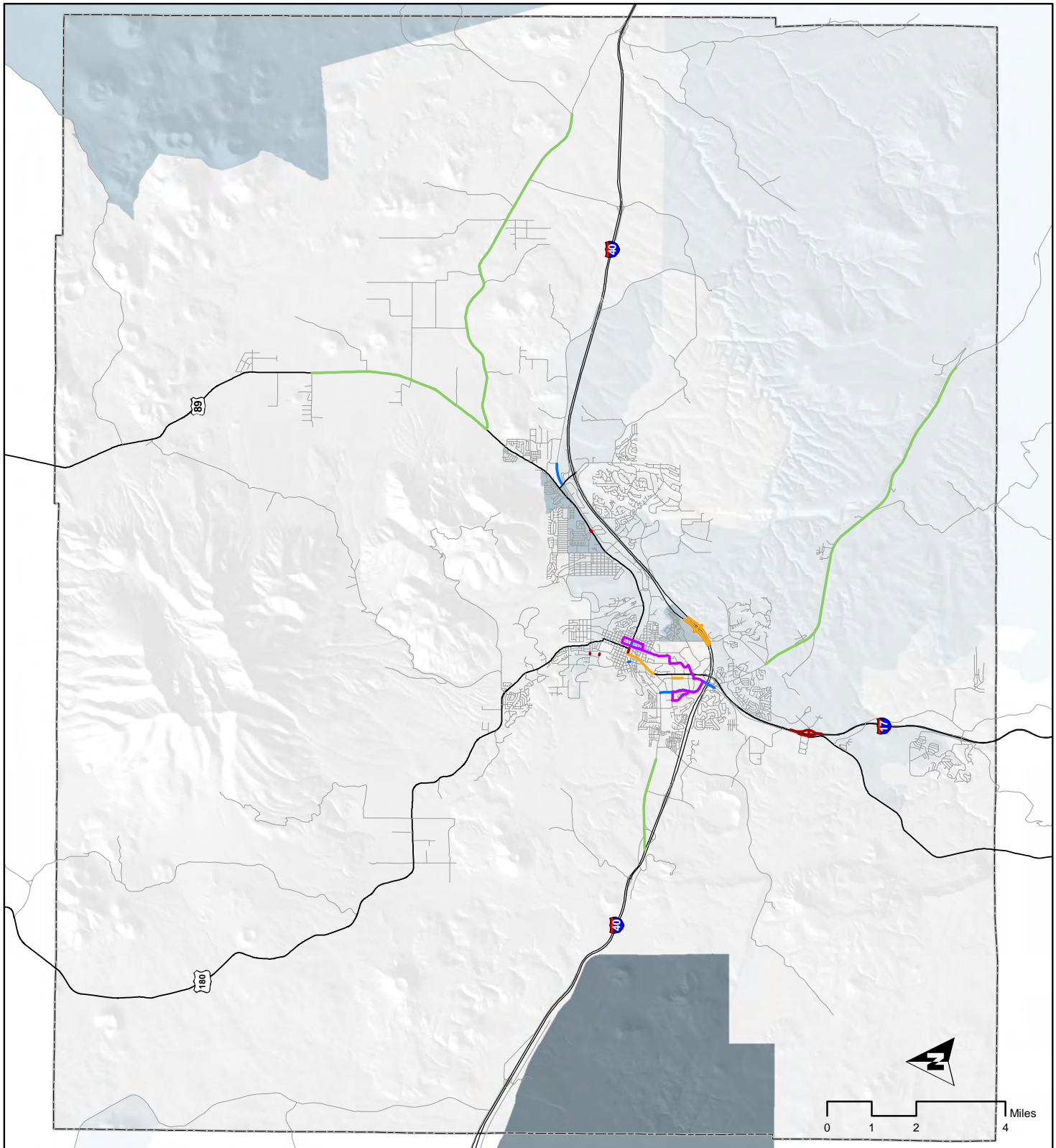
1.5 to 2.0 times regional average | 21.0 - 28.0%

More than 2.0 times regional average | 28.1 - 57.5%

Source: 2000 Census

TIP projects

- Construction
- Design
- Enhancement
- Pavement Preservation
- Transit
- FMPO boundary



Title VI Plan
Flagstaff Metropolitan
Planning Organization

Map 5 Persons with disabilities

August 2010

Percentage of population aged 5 and over with disabilities by census block group

Regional average is 24.7%

Less than regional average | 7.0 - 24.6%

Regional average to 1.5 times regional average | 24.7 - 37.0%

1.5 to 2.0 times regional average | 37.1 - 49.3%

More than 2.0 times regional average | 49.4 - 55.0%

Source: 2000 Census

TIP projects

Construction

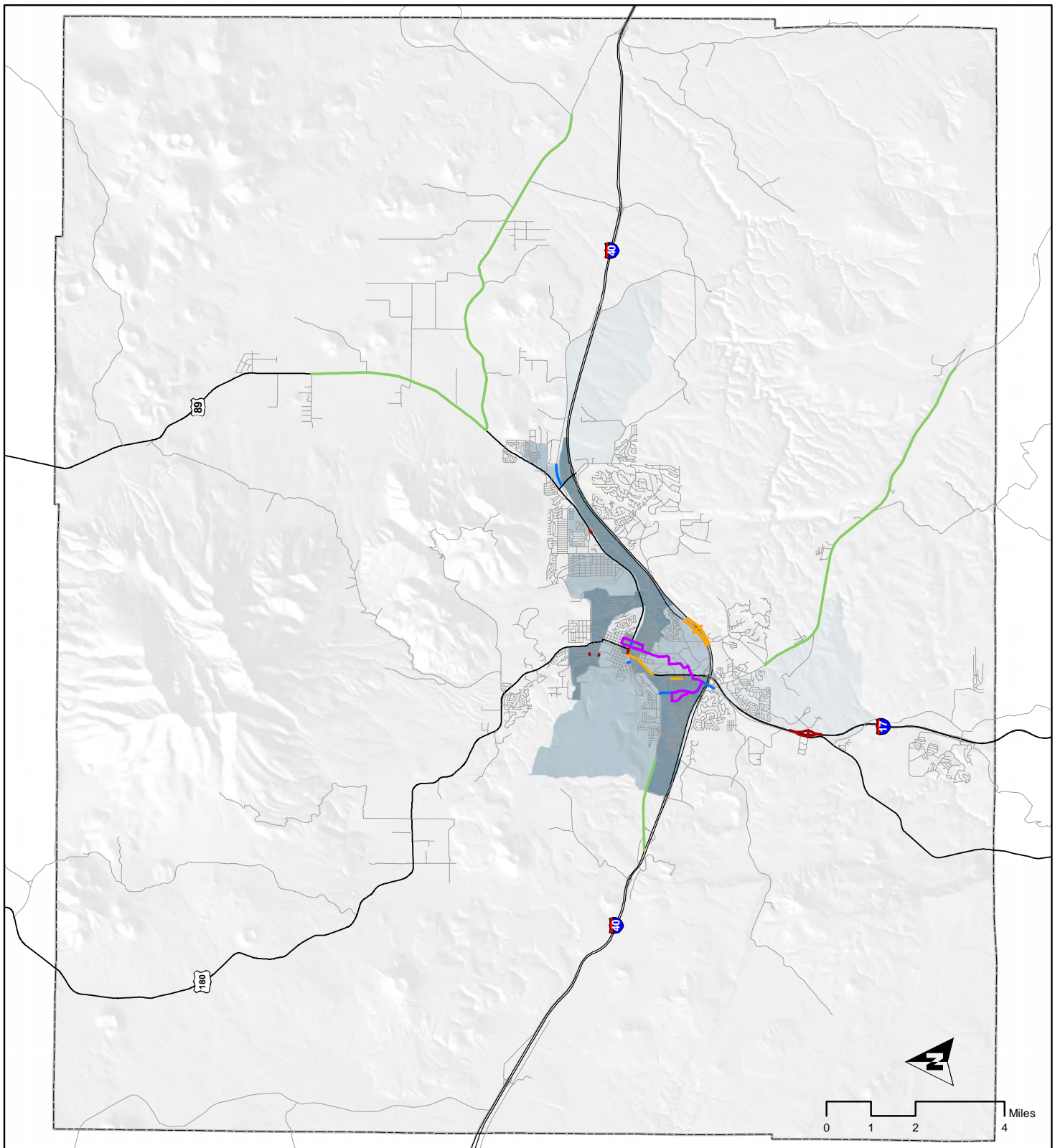
Design

Enhancement

Pavement Preservation

Transit

FMPO boundary



Title VI Plan
 Flagstaff Metropolitan
 Planning Organization

Map 6 Households without access to a vehicle

August 2010

Percentage of households without access to a vehicle by census block group

Regional average is 5.3%

- Less than regional average | 0.0 - 5.2%
- Regional average to 1.5 times regional average | 5.3 - 7.8%
- 1.5 to 2.0 times regional average | 7.9 - 10.5%
- More than 2.0 times regional average | 10.6 - 36.2%

Source: 2000 Census

TIP projects

- Construction
- Design
- Enhancement
- Pavement Preservation
- Transit
- FMPO boundary

Appendix B FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION LIMITED ENGLISH PROFICIENCY PLAN September 2010

- I. **PURPOSE:** The purpose of this General Order is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, for departmental personnel to follow when providing services to, or interacting with, individuals who are limited English proficiency (LEP).

The Flagstaff Metropolitan Planning Organization (FMPO) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP professionals and community members can present the FMPO with technical and ethical challenges. Ensuring maximum communication ability between public planning professionals and all segments of the region serves the interests of both.

- II. **POLICY:** The FMPO's policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits the FMPO provides in all FMPO-conducted programs or activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that FMPO personnel will provide these services to them.

The steps taken will consider Department of Transportation guidance including:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. The resources available to the recipient and costs.

III. **DEFINITIONS:**

- A. Primary Language: means an individual's native tongue or the language in which an individual most effectively communicates. Personnel should

avoid assumptions about an individual's primary language. For example, not all individuals from Central America speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- B. Limited English Proficiency: designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. Interpretation: is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- D. Translation: is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- E. Bilingual: refers to the ability to use two languages proficiently.
- F. FMPO Authorized Interpreter: (FMPOAI) is a bilingual FMPO employee or contact who has been authorized to interpret for others in certain situations.
- G. FMPOAI List: is an accounting of FMPO personnel or contacts who are bilingual and are authorized to act as volunteer interpreters. The FMPO Administrative Specialist will create and maintain the list.

IV. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES:

- A. FMPO Personnel Requesting Interpretation Services:
 - 1. Responding FMPO Personnel Responsibilities: FMPO personnel in the field should take necessary steps to anticipate the need of interpretation services (will attempt to identify the potential for encountering LEP individual's and their primary language) and contact the Administrative Specialist for assistance in requesting a FMPOAI.

Given an informal and non-controversial nature of a given outreach effort, FMPO personnel should first look to use of family, friends or bystanders for interpreting assistance. Barring exigent circumstances, FMPO personnel should not use minor children to provide interpreter services.

Given a controversial or more personal matter, FMPO staff should be aware that using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. In such cases, FMPO personnel are expected to follow the general procedures outlined in this Directive; however exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual FMPO personnel or citizens, including family, friends and bystanders..

If no FMPOAI is available, FMPO personnel should utilize such services available to obtain the LEP individual's contact information, general point of concern and follow up at such time as more appropriate services are available.

B. Contracted In-Person Interpretation Services:

Contracted in-person interpretation services shall be available to all FMPO personnel when interacting with LEP individuals. The Administrative Specialist will be the central conduit for connecting personnel in the field to an appropriate interpreter.

1. Accessing Contracted In-Person Interpreters: FMPO personnel who believe they need this service will consult with the highest-ranking supervisor available. If the supervisor concurs, the FMPO personnel will contact the contracted in-person interpreter service, relay all information, and provide for appropriate scope of services and compensation.

NOTE: It is FMPO personnel's responsibility to develop and ask any questions. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

V. INTERVIEWS AND COMPLAINTS:

A. Complaint Procedures for LEP Persons:

Any LEP individual who wishes to file a complaint with the FMPO regarding language access, or the discharge of FMPO's duties, shall be

provided with complaint forms if possible. Complaints will be investigated by the City Attorney's office.

VI. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES:

- A. Translation services for documents such as key public involvement products and outreach materials for translation shall be coordinated through the Administrative Specialist XXX or the FMPO Project Manager in the case of a consultant contract.

VII. TRAINING: LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS:

- A. LEP Policies: The FMPO will provide periodic training to personnel about FMPO's LEP policies, including how to access FMPO-authorized, telephonic and in-person interpreters. The FMPO shall conduct such training for new employees and at in-service training at least every two years. Training shall initially be conducted within 180 days of the effective date of this Directive.

VIII. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS:

- A. Community Review: The FMPO shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations during the annual update of the Title VI report in order to determine if there are additional languages into which vital documents should be translated upon request.
- B. Tracking and Analysis of LEP Data: FMPO shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community based organizations to ensure that the FMPO is providing meaningful access to LEP persons to the services and benefits the FMPO provides in all FMPO-conducted programs or activities.

Appendix C Assurances

Federal

49 CFR 21.7 (a) – Assurance Required

TITLE 49 - TRANSPORTATION

SUBTITLE A - OFFICE OF THE SECRETARY OF TRANSPORTATION

PART 21 - NONDISCRIMINATION IN FEDERALLY - ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION - EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

21.7 - Assurances required.

(a) General. (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance.

In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. The Secretary shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

Arizona Department of Transportation Title VI Assurances

The Arizona Department of Transportation (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), the Civil Rights Restoration Act of 1987 (Public Law 100.259) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its *Federal Aid Highway Program*:

1. That the Recipient agrees that each "Transportation program" and each facility as defined in 49 CFR 21.23(b) and (e) and the Civil Rights Restoration Act of 1987, will be (with regard to a "program" or activity) conducted, or will be (with regard to a "facility") operated in compliance with all nondiscriminatory requirements imposed by, or pursuant to, the Regulations and this agreement.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all *Federal Aid Highway Program* and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under *Federal Aid Highway Program*; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under *Federal Aid Highway Program*.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the

Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated_____

(Recipient)

by_____
(Signature of Authorized Official)

Attachments
Appendices A, B, and C

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Arizona Department of Transportation* or the *Federal Highway Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Arizona Department of Transportation*, or the *Federal*

Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *Arizona Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration* may determine to be appropriate, including, but not limited to:

- a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- b) cancellation, termination or suspension of the contract, in whole or in part.

- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract. or procurement as the *Arizona Department of Transportation* or the *Federal Highway Administration* may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *Arizona Department of Transportation* to enter into such litigation to protect the interests of the *Arizona Department of Transportation*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the *Arizona Department of Transportation* will accept title to the lands and maintain the project constructed thereon, in accordance with *Title 23, United States Code* the Regulations for the Administration of *Federal Aid for Highways* and the policies and procedures prescribed by *Federal Highway Administration* of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) does hereby remise, release, quitclaim and convey unto the *Arizona Department of Transportation* all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *Arizona Department of Transportation* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the *Arizona Department of Transportation*, its successors and assigns.

The *Arizona Department of Transportation*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under

such lands hereby conveyed [and)* (2) that the Arizona Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *Arizona Department of Transportation* pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Arizona Department of Transportation* and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *Arizona Department of Transportation* pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, or sex shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Arizona Department of Transportation* and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix D

Title VI Complaint Forms



Title VI Complaint Form

Note: The following information is needed to assist in processing your complaint.

Complainant's Information:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Person Discriminated Against (someone other than complainant)

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Which of the following best describes the reason you believe the discrimination took place?

Race/Color (Specify) _____ National Origin (Specify) _____

Sex (Specify) _____ Age (Specify) _____ Disability (Specify) _____

On what date(s) did the alleged discrimination take place? _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).

Federal Agency _____ Federal Court _____ State Agency _____
State Court _____ Local Agency _____

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Work): _____

Telephone Number (Home): _____

Complainant Signature	Date
-----------------------	------

Number of Attachments: _____

ADOT Civil Rights Office	Phone: 602-712-7761
Title VI Program Manager	Fax: 602-712-8429
1135 N 22 nd Ave. 2 nd Floor	
Phoenix, AZ 85009	



Title VI Complaint Form

Note: The following information is needed to assist in processing your complaint.

Complainant's Information:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Person Discriminated Against (someone other than complainant)

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____

Telephone Number (Work): _____

Which of the following best describes the reason you believe the discrimination took place?

Race/Color (Specify) _____ National Origin (Specify) _____

Sex (Specify) _____ Age (Specify) _____ Disability (Specify) _____

On what date(s) did the alleged discrimination take place? _____

Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).

Federal Agency _____ Federal Court _____ State Agency _____
State Court _____ Local Agency _____

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Work): _____

Telephone Number (Home): _____

Complainant Signature	Date
-----------------------	------

Number of Attachments: _____

Flagstaff Metropolitan Planning Organization	Phone: 928-226-4849
MPO Manager	Fax: 928-213-4825
211 W. Aspen Avenue	
Flagstaff, AZ 86001	